



February 27, 2018

VIA ECF AND EMAIL

Hon. Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Empire Merchants, LLC v. Merinoff, et al.* No. 16-CV-9590(JMF)

Dear Judge Furman:

On behalf of Defendants Charles Merinoff and Gregory Baird (together, “**Defendants**”), in accordance with paragraph 7.C of the Court’s Individual Rules and Practices in Civil Cases (“**Individual Practices**”), we respectfully submit this letter-motion to seal certain portions of Defendants’ reply brief in further support of their support application for advancement and fees-on-fees and the accompanying Declaration of Amanda L. Devereux, both dated February 27, 2018.

On February 21, 2018, this Court temporarily granted a letter-motion to seal by Plaintiff Empire Merchants, LLC (“**Empire**”), permitting Empire to file papers in opposition to Defendants’ fee application with redactions and to file certain exhibits thereto under seal. ECF 95. For the reasons stated in Empire’s letter-motion to seal (ECF 93), Defendants seek permission to file their reply brief and declaration with redactions.

Because Empire’s opposition papers to Defendants fee application contain discussion of sealed materials in the Maryland Action, it is necessary for Defendants, in their reply, to address those same materials. Defendants’ proposed redactions are narrowly tailored to conform to the Court’s Order dated April 25, 2017 (ECF 53), which permits the sealing of certain materials that remain under seal in a Maryland case, and “narrowly tailored redaction of the non-public substance of those sealed documents.” Accordingly, Defendants respectfully request that the Court grant this letter-motion to seal.

Pursuant to paragraph Section 7.C of the Court’s Individual Practices, copies of Defendants’ unredacted reply brief and Declaration, as well as copies highlighting the redacted information, are attached to the copy of this letter-motion that has been emailed to Chambers and counsel for Empire.

Respectfully submitted,

/s/ Sean F. O’Shea

Sean F. O’Shea

Encl. (by email only)

BSF

Cc: All counsel of record (by ECF and email)